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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION NO:26766 of 1998

DATED: 15-06-2007

Between:

1. N.Bangaraiah and 3 others

..... PETITIONERS

AND

1. The State of A.P. rep.by the Revenue Divil.Officer, Chevella Divn., R.R.District, and another

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice B.Prakash Rao)

In the writ petition the petitioners, who are declared as land grabbers on an application filed by the Government, seek to assail the orders in L.G.C.No.26 of 1989 dated 11-09-1998 on the file of the Special Court under the A.P.L and Grabbing (Prohibition) Act, 1982, Hyderabad.

The case of the petitioners is that they have been assigned the land by the Government itself, and therefore, their possession is

perfectly legal and they cannot be declared as land grabbers. The Special Court after holding an enquiry held that the very assignment which has been claimed by the petitioners is unprotected and not valid.

However, during the course of the arguments, it has been pointed out that in pursuance of the orders passed in the LGC the possession has been taken and the same has been delivered to the proposed party who ought to have been sought to be impleaded in W.P.M.P.No.3345 of 2007. In pursuance of the orders passed by this Court it has been held that the Government is not the owner of the property nor has any right, title or interest of whatsoever nature and whereas the property involved is one of the item in C.S.No.14 of 1958. It is needless to mention that even the review applications along with an application to condone the delay in the earlier proceedings in W.P.No.10605 of 1997 have also been taken up by us simultaneously and we did not find any merits or any justification much less a sufficient cause seeking review of those earlier orders holding that the property is that of the estate of the deceased for which the partition was sought for in O.S.No.14 of 1958 and where the due shares of the legal heirs have been held to be entitled and confirmed in the decrees.

Therefore, having regard to such finding which has been arrived in those proceedings holding that the Government is not the owner, even the claim as made in the main writ petition to the effect that the they are assignees from the Government does not hold

water, even otherwise, having regard to the fact that the very assignment has been held to be fabricated. Hence, nothing survives in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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B.PRAKASH RAO, J

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G.BHAVANI PRASAD, J

15th June, 2007
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